

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

KIMBERLY M.,<sup>1</sup>

Case No. 6:19-cv-01604-MTK

Plaintiff,

**ORDER**

v.

COMMISSIONER, Social Security  
Administration,

Defendant.

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**KASUBHAI**, United States District Judge:

Plaintiff Kimberly M. brought this action seeking review of the Commissioner's final decision denying her application for disability benefits under Title II and Title XVI of the Social Security Act. ECF No. 1. On April 1, 2021, pursuant to a Stipulated Motion for Remand, the Court entered judgment reversing and remanding the case pursuant to sentence four of 42 U.S.C. § 405(g). ECF Nos. 28-30.

Plaintiff's attorney now seeks an award of fees pursuant to 42 U.S.C. § 406(b). ECF No. 35. Defendant takes no position with respect to the request. *Id.* Applying the standards set

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<sup>1</sup> In the interest of privacy, the Court uses only the first name and last name initial of non-government parties whose identification could affect Plaintiff's privacy.

by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court has reviewed the record in this case and finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Under 42 U.S.C. § 406(b) (ECF No. 35) is hereby granted as follows: Kevin Kerr is allowed an attorney's fee under the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$18,617.75, to be paid in accordance with agency policy. Plaintiff's counsel shall refund the amount of \$2,635.52 already received by counsel under the Equal Access to Justice Act. Any funds withheld by the Commissioner in anticipation of an order under Section 406(b), less an administrative assessment pursuant to 42 U.S.C. 406(d), may be paid to Kevin Kerr, using the information on file with the Agency, consistent with this order.

IT IS SO ORDERED.

DATED this 15th day of July 2025.

s/ Mustafa T. Kasubhai  
MUSTAFA T. KASUBHAI (He / Him)  
United States District Judge